

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 28, 2008

DIVISION ONE

B206481 People (Not for Publication)
v.
Roy Evans

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B204761 People (Not for Publication)
v.
Howard

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

October 28, 2008 (Continued)

DIVISION ONE (continued)

1003612-08

The Honorable **RONALD LAWRENCE BAUER**, Judge of the Superior Court of California, County of Orange, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

December 1, 2008 to January 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

October 22, 2008

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION TWO

B205907 Los Angeles County, D.C F.S. (Not for Publication)
 v.
 Y.P.

The order declaring J.V., J.V.2, S.V. and K.V. dependents of the court is reversed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B204255 Los Angeles County, D.C F.S. (Not for Publication)
v.
Linda F.

The order summarily denying appellant's section 388 petition is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B206979 Los Angeles County, D.C F S. (Not for Publication)
v.
Rachel R.

The order terminating parental rights is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B207818 People (Not for Publication)
v.
Lucas

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

October 28, 2008 (Continued)

DIVISION TWO (continued)

B203447 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B203626 People (Not for Publication)
v.
Soto

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B203950 People v. Nickleberry (Not for Publication)

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B199852 Housing Authority of the City of Los Angeles (Not for Publication)
v.
Williams

The order dismissing the complaint against Williams is reversed and the matter is remanded. The trial court is ordered to enter an order overruling Williams's general demurrer. HACLA is entitled to its costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B208672 D.P. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The order to show cause is discharged and the petition for extraordinary writ is denied.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B195688 People (Not for Publication)
v.
Herman De Los Rios

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B195720 Mako Fund, Inc., et al. (Not for Publication)
v.
San Remo Funding Group, et al.

The judgment is affirmed. Mako Fund and Markowitz are entitled to costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B200513 Brinkley (Not for Publication)
v.
Public Storage, Inc.

The order granting defendant summary adjudication of plaintiff's third, fifth, and sixth cause of action is affirmed. Defendant is awarded costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B204240 Los Angeles County, D.C F.S. (Not for Publication)
v.
C.V., et al.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B204144 People (Not for Publication)

v.

Erick Daniel Hinerichs

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B207161 People (Not for Publication)

v.

Darr

The judgment is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
 Manella, J.

B204565 People (Not for Publication)

v.

Mayfield

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

DIVISION FOUR (continued)

B203922 Los Angeles County, D.C F.S. (Not for Publication)
v.
L.T. et al.

The dispositional order as to Mother is reversed. The matter is remanded to the juvenile court to conduct another dispositional hearing as to Mother in accordance with the views stated in this opinion. The other orders (the jurisdictional order and the dispositional order as to Father) are affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B204666 People (Not for Publication)
v.
Christopher Hines

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
Armstrong, J.

DIVISION FIVE (continued)

B199604 People (Not for Publication)
v.
Alex Hernandez, et al

The judgment with respect to DeJesus is modified to reflect that he is subject to five court security fees of \$20 each pursuant to section 1465.8, subdivision (a)(1), for a total of \$100, and that he is entitled to 495 days of presentence credit, consisting of 331 days of actual custody and 164 days of conduct credit. The judgment with respect to Mejia is modified to reduce the restitution fine pursuant to section 1202.4 to \$10,000; to reflect that the parole revocation restitution fine imposed pursuant to section 1202.45 is in the amount of \$10,000; to reflect that he is subject to three court security fees of \$20 each pursuant to section 1465.8, subdivision (a)(1), for a total of \$60; and to reflect that he is entitled to 517 days of presentence credit, consisting of 345 days of actual custody and 172 days of conduct credit. The judgment with respect to Hernandez is modified to reduce the restitution fine pursuant to section 1202.4 to \$10,000; to reflect that the parole revocation restitution fine imposed pursuant to section 1202.45 is in the amount of \$10,000; and to reflect that he is subject to two court security fees of \$20 each pursuant to section 1465.8, subdivision (a)(1), for a total of \$40. Upon issuance of the remittitur, the superior court clerk shall forward amended abstracts of judgment to the Department of Corrections and Rehabilitation. The judgments are affirmed as modified.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B205937 Mary Nelson (Not for Publication)
 v.
 American Apparel, Inc. et al.,

The order denying the petition to compel arbitration is reversed. Each side is to bear its own costs on appeal. Upon remittitur issuance, the previously entered stay of trial shall expire.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

B192909 Lyman Gardens Apartments, LLC, et al., (Not for Publication)
 v.
 Coudert Brothers LLP, et al

The judgment is reversed and the matter is remanded to the trial court with instructions to enter judgment notwithstanding the verdict in favor of Mr. Navarro and Coudert Brothers. Appellants are to recover their costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION SIX

B197350 People (Not for Publication)
 v.
 Cuevas

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B210226 E.L. (Not for Publication)
v.
Santa Barbara Superior Court
(Child Welfare Services, r.p.i.)

We deny the petition for extraordinary writ.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B195248 People (Not for Publication)
v.
Lopez

The superior court is ordered to modify the abstract of judgment to reflect a life term with a minimum parole eligibility term of 25 years on counts 1 and 2. In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (continued)

B201815 People v. Charis (Not for Publication)

The \$37.50 fine imposed pursuant to section 1202.5 is stricken. The trial court shall prepare a corrected abstract of judgment and forward a copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B197472 Van Patten (Not for Publication)
v.
Obendrauf et al.,

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SIX (continued)

B204344 Santa Barbara Co. Child Welfare Services (Not for Publication)
 v.
 J.J.

The orders are affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B201773 Horner
 v.
 Sternberg

Filed order denying petition for rehearing.

DIVISION SEVEN

B200633 People
 v.
 Soto

Filed order denying petition for rehearing.

B195871 Reno Metal Products
 v.
 Steiny and Company
 Los Angeles County Metropolitan Transit Authority

Filed order denying Los Angeles County Metropolitan Transit Authority's
petition for rehearing.

October 28, 2008 (Continued)

DIVISION SEVEN (continued)

B195871 Reno Metal Products
 v.
 Steiny and Company
 Los Angeles County Metropolitan Transit Authority

Filed order denying Steiny and Company's petition for rehearing.

DIVISION EIGHT

Court convened at 9:07 a.m.

Present: Cooper, P.J., Flier, J., Manella, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B206296 DCFS v. D.J.
B202422 People v. Kimbell

Argument waived, cause submitted.

B202578 Aldridge
 v.
 MTA

Merits:

Argued by Arnulfo Aldridge, appellant in propria persona and by Richard Chastang for respondent. Cause submitted.

Manella, J. left the bench at 9:25 A.M.

Rubin, J. and Bigelow, J. assume the bench at 9:26 a.m.

DIVISION EIGHT (continued)

B204206 Brown et al.,
 v.
 LAC-USC Medical Center

Merits:
Argued by Gregory Goodheart for appellants and by Daniel P. Barer for respondent. Cause submitted.

B201764 Averbuch
 v.
 Strekovsky

Merits:
Argued by Joan T. Daniels for appellant and by Carl Etting for respondent. Cause submitted.

Rubin, J. left the bench.

B196458 Ayzenshteyn
 v.
 Rexam Beverage Can Company et al.,

Merits:
Argued by Roger E. Haag for appellant and by Barrett Green for respondents. Cause submitted.

Rubin, J. returned to the bench.

B201660 Koshki
 v.
 Tranzon Asset Strategies

Merits:
Argued by George Baltaxe for appellant and by Ira Cohen for respondent. Cause submitted.

DIVISION EIGHT (continued)

B196894 People
 v.
 Williams

Merits:

Argued by Ralph Goldsen for appellant and by Laura Hartquist, Deputy Attorney General, for respondent. Cause submitted.

Flier, J. left the bench.

B199403 Union Pacific Railroad Company
 v.
 SFPP, L.P. et al.,

Merits:

Argued by Neil Soltman for appellant and by Brent Cheney for respondent. Cause submitted.

B200355 The People
 v.
 Charabicente

Oral argument continued to November 21, 2008 at 9:00 a.m.

B195218 Rojas et al.,
 v.
 Akopyan et al.,
 Gateway Management Services, LTD.,

Oral argument continued to November 20, 2008 at 9:00 a.m.

B197109 Gonzalez
 v.
 Granadeno et al.,

Matter ordered off calendar.

DIVISION EIGHT (continued)

B199316 Muller, et al.,
 v.
 Shantharam, M.D. et al.,

Oral argument continued to January 28, 2009 at 9:00 a.m.

B196684 Muller et al.,
 v.
 Fresno Community Hospital etc.,

Oral argument continued to January 28, 2009 at 9:00 a.m.

Court adjourned.